

Detailed Action

Response to Amendment

Claims 21-34 are pending. This action is in response to the amendment received February 25, 2008.

Response to Arguments

Applicant's arguments with respect to claims 21-34 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 21-34 are rejected under 35 U.S.C 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth below:

whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result. Mere ideas in the abstract (i.e. abstract idea, law of nature, natural phenomena) that do not apply, invoke, or use fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply,

involve, or use to produce a useful, concrete, and tangible result. A mere intended or nominal use of a component does not confer statutory subject matter to an otherwise abstract idea if the component does not apply, involve, use, or advance the underlying process. Furthermore, the preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). In the instant case, the preamble of claim 1 recites "A system". However, the claim as a whole recites the steps of intended use of a structure (i.e., system). Thus, the preamble fails to give "life, meaning, vitality" to the claim as a whole. See MPEP 2111.02. Because the preamble is not accorded any patentable weight as stated above, claim 21 as a whole merely recites steps in the abstract for use in controlling access of a user to a service without producing any useful, concrete, and tangible result. For example, the steps of " obtaining a first..."; " obtaining a second..."; and " controlling access...", which comprise the claim as a whole are mere steps in the abstract without setting forth a practical application for producing any useful, concrete, and tangible result. (See *Interim Guidelines*, IV (C)(1, 2)).

Claims 22-34 also fail the test above because they fail to limit to a particular structure.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims **21-34** are rejected under 35 U.S.C. 102(e) as being anticipated by Eastep (US 6,731,625).

Re claim **21**, Eastep teaches a method of controlling access of a user to a service (abstract), the method comprising:

obtaining a first, transient identifier associated with a communication session of said user over an anonymous network (fig. 3) (Eastep teaches anonymous network when he discloses a secured environment, the FTP daemon executes at the user-id ("uid") of the user level, rather than as root, and allows access only to authorized users communicating from a set of predetermined IP addresses known to be authorized. In particular, the standard non-authenticated accounts of anonymous and guest are disabled);

obtaining a second identifier associated with persistent real-world information of said user from a network access provider (NAP) through which said user is connected to said service, said second identifier associated with said first identifier at said NAP (col. 22, lines 45-68); and

controlling access based on said second identifier (col. 2, lines. 1-38).

Re claim **22**, Eastep teaches service is selected from the group consisting of e-mail service, electronic banking, financial service, and firewall (col. 72, lines 1-25).

Re claim **23**, Eastep teaches network is selected from the group consisting of an Internet network, a wireless data network, a cellular data network, and a CATV-based data network (col. 60, lines 1-60).

Re claim **24**, Eastep teaches evaluating the reliability of said second identifier based on predetermined criteria; and determining the level of access to provide to said user based on said reliability (col. 83-84).

Re claim **25**, Eastep teaches a method for providing a telephone call identifier (col. 2, lines 25-38; fig. 10a), the method comprising:

obtaining by a network device an identifier associated with a telephone line accessing a data network (figs. 73 and 76); and

sending said identifier to be associated with a telephone call to a terminating telephone network (col. 13, lines 55-65; fig. 10a).

Re claim **26**, Eastep teaches a method for verifying that an anonymous network user is an adult (abstract; adult is a one type of user as Eastep teaches in his invention), the method comprising:

obtaining by a network device account details associated with said user (figs. 1c-1g); and

reporting said user as an adult if said account details pertain only to users above a predetermined age (figs. 4-5).

Re claim **27**, Eastep teaches obtaining comprises receiving said account details from a network access provider servicing said user (figs. 19-21).

Re claims **28** and **33-34**, Eastep teaches account details pertain to at least one user below said predetermined age and further comprising: obtaining information associated with said account generally known only to adult users of said account; requesting said user to enter an at least generally significant part of said information; and reporting said user as an adult if said at least generally significant part matches the corresponding part of said information. 29. (previously presented): A method for handling telephone calls during a dial-up Internet connection, the method comprising: obtaining an identifier of a telephone line connecting a user to a data network from a network side of a connection between said user and said data network; associating said identifier with information for contacting said user over said network; and configuring incoming telephone calls to said user according to said information (col. 101, lines 1-38).

Re claim **29**, Eastep teaches a method for handling telephone calls during a dial-up Internet connection (col. 2, lines 25-38; fig. 10a), the method comprising:

obtaining an identifier of a telephone line connecting a user to a data network from a network side of a connection between said user and said data network (figs. 93-94b);

associating said identifier with information for contacting said user over said network (col. 20, lines 18-39; fig. 19); and

configuring incoming telephone calls to said user according to said information (abstract; figs. 51, 59, and 71).

Re claim **30**, Eastep teaches upon receiving said incoming call, sending notification of said incoming call to said user (figs. 12-15).

Re claim **31**, Eastep teaches forwarding said incoming call to said user over said network; forwarding said incoming call to said user over a telephone network; sending to said user information about the origin of said incoming call; and receiving from said user at least one order about how to handle said incoming call (figs.23-24.).

Re claim **32**, Eastep teaches a system for handling telephone calls (figs. 10a, 73, and 76), the system comprising:

an extraction unit able to extract an identifier of a telephone line connecting a user to a data network from a network side of a connection between said user and said network; an association unit able to associate said identifier with information for contacting a user associated with said telephone number over said network (col. 38, lines 37-61; figs. 5 and 50); and

a messenger system communicating with said user over said network using said information for contacting said user (fig. 112).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached on Monday to Friday from 6am-2pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

/Thu Thao Havan/
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